



**BEAZER EAST, INC.**

c/o Three Rivers Management, Inc. (Agent for Beazer East, Inc.)  
1910 Cochran Road, Manor Oak One, Suite 200, Pittsburgh, PA 15220-1273

February 7, 2017

Judy Fassbender  
Section Chief  
Wisconsin Department of Natural Resources  
101 South Webster Street  
Madison, WI 53703

Re: Non-Hazardous Waste Determination for Off-Property Soil/Sediment  
Former Koppers Inc. Facility – Superior, WI

Dear Ms. Fassbender,

Thank you for providing us with the Hazardous Waste Annual Report Records and Hazardous Waste Manifest Records with your November 28, 2016, letter. We have reviewed these records and concluded that they do not provide additional insight into the non-hazardous waste determination for off-property soil and/or sediment. Most, if not all, of these records pertain to wastes generated at the Former Koppers Inc. Facility in Superior, Wisconsin (the “Superior Site”) rather than off-property. Any wastes generated off-property to date would have been minimal and limited to investigation-derived waste (IDW). Historically, Beazer East, Inc., (“Beazer”) has managed limited quantities of certain IDW as hazardous out of an abundance of caution, and any such management would not be relevant to this determination.

It should be noted that for the sites discussed in our November 1, 2016 letter, where Beazer has successfully obtained Agency concurrence for non-hazardous waste determinations, such determinations were made for materials generated on-site. In addition, Beazer previously and/or historically managed all IDW from these sites as hazardous wastes, and that did not affect the subsequent non-hazardous waste determinations.

As we discussed in our July 7, 2016 letter, the determination of whether off-property sediments/soils contain a listed hazardous waste must be made based upon knowledge of the process that caused the impact to the sediments/soils. Given the size of the Superior Site and the lack of documentation regarding former operations, it is virtually impossible to determine from which, if any, of the specific process areas the residuals in off-property sediments/soils may have been generated. Therefore, based on USEPA’s guidance, it is not appropriate to assume that off-property sediments/soils contain listed hazardous wastes.

Beazer respectfully requests the Wisconsin Department of Natural Resource’s concurrence with Beazer’s non-hazardous waste determination for management of the off-property


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sediments/soils that may be managed as part of future corrective actions. If you should have any further questions or concerns regarding this approach to the characterization and management of sediments/soils at the Site, please feel free to contact me at (412) 208-8813.

Sincerely,



Jane Patarcity  
Senior Environmental Manager

Enclosure

Cc: John Robinson, WDNR  
Chris Saari, WDNR  
Brenda Jones, USEPA  
Rob Markwell, Beazer  
Stu Messur, Anchor QEA  
David Bessingpas, Arcadis  
Bob Fisher, FTS